

RESOLUTION NUMBER R- 314642

DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
MAYRA TINAJERO AND KELLY KLEMASKE AND THE  
CITY OF SAN DIEGO.

WHEREAS, on May 24, 2017, Mayra Tinajero filed a complaint against the City of San Diego (City), alleging personal injury from an accident that occurred on April 16, 2016 at Broadway and 14<sup>th</sup> in San Diego, California, entitled *Mayra Tinajero v. City of San Diego*, San Diego Superior Court Case No. 37-2017-00007161-CU-PA-CTL; and

WHEREAS, on April 3, 2017, Kelley Klemaske filed a complaint against the City, alleging personal injury from the same accident, entitled *Kelley Klemaske v. Dennis Savage, City of San Diego*, San Diego Superior Court Case No. 37-2017-00011629-CU-PA-CTL; and

WHEREAS, the Court consolidated those two cases under San Diego Superior Court Case No. 37-2017-00007161-CU-PA-CTL; and

WHEREAS, on January 9, 2023, the San Diego City Council by the following votes: Yeas, Districts: 1, 3, 4, 5, 6, 7, 8, and 9; Nays, none; and Absent, 2, approved the settlement for the consolidated case consistent with the amounts set forth below;

NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

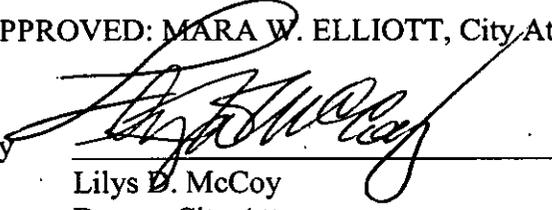
1. Authorizes the Mayor or his designee to pay the sum of \$950,000 to Kelley Klemaske and \$75,000 to Mayra Tinajero from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Incident. .

2. Authorizes the Chief Financial Officer to expend an amount not to exceed

\$1,025,000 from the Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By

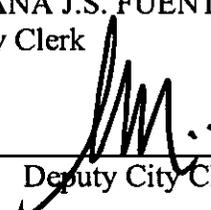
  
Lilys D. McCoy  
Deputy City Attorney

LDM:nmm  
February 8, 2023  
Or.Dept: City Attorney  
CC No. 3000015540  
Doc. No. 3188292

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023

DIANA J.S. FUENTES  
City Clerk

By

  
Deputy City Clerk

Approved:

3/13/23  
(date)

  
TODD GLORIA, Mayor

Vetoed:

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000015540  
 DEPT. NO. 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$1,025,000.00

Purpose: Settlement of Mayra Tinajero and Kelley Klemaske v. City of San Diego, et al., San Diego Superior Court Case No. 37-2017-00007161-CU-PA-CTL, Claim No. 13718

Date: February 22, 2023 By: Christopher Purcell *Christopher Purcell*  
 COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |        |                |                |                  |             |               |             |     |                 |
|-----------------|--------|----------------|----------------|------------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item       | Fund   | Funded Program | Internal Order | Functional Area  | G/L Account | Business Area | Cost Center | WBS | Original Amount |
| 1               | 720045 |                |                | OTHR-00000000-GG | 512004      | 1515          | 1515000011  |     | \$950,000.00    |
| 2               | 720045 |                |                | OTHR-00000000-GG | 512004      | 1515          | 1515000011  |     | \$75,000.00     |
| TOTAL AMOUNT    |        |                |                |                  |             |               |             |     | \$1,025,000.00  |

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |      |                |                |                 |             |               |             |     |                 |
|-----------------|------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item       | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
| TOTAL AMOUNT    |      |                |                |                 |             |               |             |     |                 |

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

| Councilmembers           | Yeas                                | Nays                     | Not Present              | Recused                  |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 13 2023.

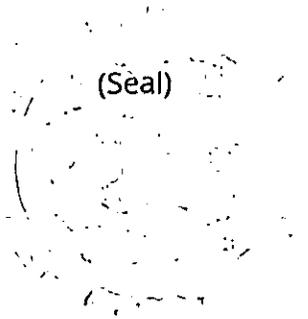
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By , Deputy



Office of the City Clerk, San Diego, California  
Resolution Number R- 314642